



Date: February 4, 1998

Case No.: **96-JSA-4**

In the Matter of:

VICTOR POLEWSKY,
Complainant

v.

**VERMONT DEPARTMENT OF EMPLOYMENT
AND TRAINING, ET AL.,**
Respondents

BEFORE: John M. Vittone
Chief Administrative Law Judge

ORDER DENYING MOTION TO RECONSIDER AND TO CORRECT ERROR

On December 1, 1997, I affirmed the decision of the Regional Administrator and remanded the above-captioned matter to the state agency for further proceedings consistent with my decision. However, on December 17, 1997, Complainant filed a *Motion to Correct Errors and to Reconsider Decision and Order Remanding Case*. Complainant points out that the December 1, 1997 Decision and Order erroneously states that the initial complaint in this case was filed on April 8, **1982**. In actuality, the complaint was filed on April 8, **1992**. Further, Complainant contends that the Decision and Order should be reconsidered because it makes “no reference whatsoever to the petitioner’s brief, his cross-appeal, nor his reasons against remand to the ‘party’ responsible for most of the improprieties.” See Complainant’s *Motion to Correct Errors and to Reconsider Decision and Order Remanding Case* (Dec. 17, 1997).

After additional review of my Decision, it is clear that the misstated filing date of the complaint is a harmless error. The Complainant has not been prejudiced by the error, nor has the mistake affected my decision. It is a trivial error which has no substantial impact on the rights of the Complainant.

Moreover, the *Decision and Order Remanding Case* is merely an affirmation of the decision of the Regional Administrator. It is not a decision based on the merits of the case. Accordingly, I find that any failure to consider Complainant’s arguments or his “cross-appeal” is likewise harmless error.

Complainant's *Motion to Correct Errors and to Reconsider Decision and Order Remanding Case* is thus hereby **DENIED**.

SO ORDERED.

JOHN M. VITTON
Chief Administrative Law Judge

JMV/pmb